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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

May 15, 2019

The Honorable Patrick M. Shanahan  
Acting Secretary  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Acting Secretary Shanahan,

We write again to oppose the use of title 10 U.S.C §2808 to construct permanent barriers on the Southwest border.

It is our understanding that the deadline you gave to the chairman of the Joint Chiefs of Staff and Department of Defense (DoD) comptroller to provide their analysis on the use of this emergency authority has passed. As part of that analysis, DoD regulations require that the chairman certify that any military construction projects that the Department of Homeland Security identified are necessary to support the use of armed forces on the Southwest border. We have heard no testimony or seen any DoD analysis that could reasonably support this conclusion. Given these circumstances and the consequences that diverting construction funding would have on military readiness, we oppose the use of this emergency authority.

Congress appropriated military construction funds to ensure our service members can train, operate effectively, and support their families. A decision to move forward with billions of dollars for a border wall while service members continue to work and live in outdated and substandard facilities—the poor conditions to which you and your leadership have testified—would be a misappropriation of resources that would degrade readiness now and in the future.

The suggestion that DoD needs a wall to support rotational and mobile troops is baseless and without precedent. There is no suitable justification for permanent wall construction for a temporary military mission when bases that actually support warfighters around the world are denied infrastructure funding because they have an evolving mission. Furthermore, invoking an emergency authority more than three months after the President declared a national emergency, and over a year since your predecessor began contemplating its use, goes against the intent of this authority. Congress provided emergency construction authorities to allow DoD flexibility to respond to contingencies when the regular budget process was not an option. This is clearly not the case.

Not only would use of emergency construction authority be unjustified, it would come at great cost. As DoD officials have testified for years, the department's diversion of funds from facility sustainment and military construction accounts has left infrastructure vulnerable—at substantial risk to military missions and the men and women who carry them out every day. At a time when

the department has more than \$100 billion in infrastructure needs, a decision to cut funding from construction projects that will not be backfilled will mean greater reliance on ineffective solutions that cost time, money, and manpower and have lasting impacts on our national defense for years to come.

We expect you to exercise good judgment on the use of this emergency authority and be transparent and communicative with us during your decision-making process. We look forward to hearing from you in advance of any decision.

Sincerely,



BRIAN SCHATZ  
United States Senator



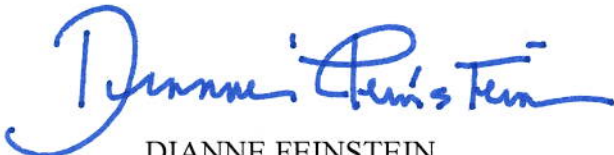
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